

1 JUDGE WALTER E. CRAIG
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8 JUN 2 1983
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14 CLERK U.S. DISTRICT COURT
15 WESTERN DISTRICT OF WASHINGTON
16 BY *do* DEPUTY

17 UNITED STATES DISTRICT COURT
18 FOR THE WESTERN DISTRICT OF WASHINGTON
19 AT SEATTLE

20 UNITED STATES OF AMERICA, et al.,) Civil No. 9213--Phase I
21 Plaintiffs,)
22 v.) REQUEST FOR DETERMINATION
23 STATE OF WASHINGTON, et al.,) RE: EQUITABLE ADJUSTMENT
24 Defendants.) FOR 1982 GRAYS HARBOR
25 COHO AND CHUM
26

27 The Quinault Indian Nation requests a determination of its
28 entitlement to an equitable adjustment for Grays Harbor coho and
1 chum as follows:

29 Coho 3,501
30 Chum 9,141.

31 The Quinault Nation further requests that unless otherwise agreed
32 by the parties the Court order the equitable adjustment be made
33 up in 1983.

34 This request is based on the following facts. Nontreaty
35 fisheries harvested more than 50% of the harvestable Grays Harbor
36 origin coho in 1983 taking at least 32,523 fish, compared to a
37 treaty harvest of 29,022 fish. The nontreaty overharvest of coho
38 resulted in a catch imbalance of at least 3,501 coho.

39 Because coho are also harvested during the Grays Harbor chum

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REQUEST FOR DETERMINATION 1

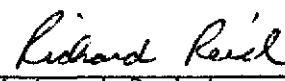
1 fishery, the nontreaty coho overharvest prevented the Quinault
2 Nation from harvesting its full share of Grays Harbor chum.
3 As a result, the nontreaty harvest of 33,564 chum exceeded the
4 Quinault harvest by 9,141 fish.

5 On November 17, 1982 a Fisheries Advisory Board meeting was
6 held to consider whether coho sport fishery should be allowed to
7 continue given the nontreaty overharvest of coho. At that Board
8 meeting the State and Quinault Nation agreed that, "[e]quitable
9 adjustment discussions and implementation procedures for both
10 coho and chum be started as early as final catch data for 1982
11 become available...." FAB 82-42 at 6. .

12 Attempts to reach agreement on an equitable adjustment for
13 the 1982 season have been unsuccessful. The Quinault Indian
14 Nation therefore requests that the Court determine the tribe's
15 entitlement to an equitable adjustment as set forth above.

16 Dated this 31st day of May, 1983.

17 Respectfully submitted,

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19 Richard Reich
20 Attorney for Quinault
21 Nation

1 JUDGE WALTER E. CRAIG
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UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA, et al.,) Civil No. 9213--Phase I
Plaintiffs,)
v.) CERTIFICATE OF SERVICE
STATE OF WASHINGTON, et al.,)
Defendants.)

I certify that on May 31, 1983 I caused copies of this
Certificate of Service and of the accompanying Request for
Determination Re: Equitable Adjustment for 1982 Grays Harbor Coho
and Chum to be mailed by first class mail, postage prepaid and
properly addressed to Judge Walter E. Craig and to each of the
attorneys of record listed on the attached service list.

Dated this 31st day of May, 1983.

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SERVICE LIST

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